PATENT
Docket No. 265.00240101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Stanton et al.	Group Art Unit:	1647
Serial No.:	09/641,802	Examiner:	R. Hayes
Confirmation No.:	5387		
Filed:	August 17, 2000		

For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF TO PROMOTE NEURAL CELL DIFFERENTIATION

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed June 18, 2002, Applicants elect, with traverse, Group 37 (claims 1-15), in part drawn to methods of contacting cells *in vivo* with SEQ ID NO:2. Applicants' Representatives reserve the right to pursue examination of the non-elected claims in continuation or divisional applications. Applicants respectfully request reconsideration of the restrictions in this case and submit that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner.

Applicants also request that the Examiner regroup at least Group 70 (claim 1-15), in part drawn to methods of contacting cells *in vivo* with a specific combination of peptides, to the extent that such combinations include SEQ ID NO:2.

Were restriction to be effected between the claims of Groups 1-70, a separate examination of the claims in these 70 groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups 1-70 would have to be as rigorous as when only the claims of Group 1, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups 1-70, it would place an undue burden by requiring payment of 69 separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting 70 applications and maintaining 70 patents.

Finally, Applicants direct the Examiner's attention to the fact that claim 1, for example, is a linking claim with respect to the sequences and with respect to *in vivo* and *in vitro* methods. Accordingly, the Examiner's restriction appears to be more appropriately an election of species with respect to specific sequences and with respect to *in vivo* and *in vitro* methods. Thus, Applicants traverse on the grounds that the generic (linking) claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner. Applicants also request rejoinder and that the requirement be withdrawn upon the finding of an allowable genus.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 16th day of July, 2002, at 4:15 (Central Time).

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Respectfully submitted for

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July 16, 2002
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